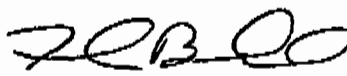


UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
04-CA-202608	7/17/17

INSTRUCTIONS

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer Active Crane Rentals Inc.		b. Number of workers employed ?
c. Address (street, city, state, ZIP code) 103 Water St. Wilmington DE 19804	d. Employer Representative Steve Schmeusser	e. Telephone No. 302-998-1000
f. Type of Establishment (factory, mine, wholesaler, etc.) Crane Rentals	g. Identify principal product or service Crane and Rigging	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
<p>On or about February 2017, it has been brought to the Unions attention that Active Crane is subbing/performing and doing work under their Double-Breasted Companies Raven Crane and Aasco Equipment to avoid and circumvent the Collective Bargaining Agreement.</p>		
By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.		
3. Full name of party filing charge (If labor organization, give full name, including local name and number) International Union of Operating Engineers, Local 542, AFL-CIO		
4a. Address (street and number, city, state and ZIP code) 1375 Virginia Drive, Suite 100 Ft. Washington, PA 19034		4b. Telephone No. 215-542-7500 215-542-7557 (fax)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization). International Union of Operating Engineers, AFL-CIO		
6. DECLARATION		
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
By 	Fank Bankard	Title Organizer
Signature of representative or person making charge		
Address 1375 Virginia Drive, Suite 100 Ft. Washington, PA 19034	Telephone No. 215-542-7500 215-542-7557 (fax)	Date 7-17-2017

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT
(U.S. CODE, TITLE 18, SECTION 1001)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658



Download
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July 19, 2017

Steve Schmeusser
Active Crane Rentals, Inc.
103 Water St
Wilmington, DE 19804-2492

Re: Active Crane Rentals, Inc.
Case 04-CA-202608

Dear Mr. Schmeusser:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JOANNE M. SACCHETTI whose telephone number is (215)597-9672. If this Board agent is not available, you may contact Supervisory Attorney PATRICIA A. GARBER whose telephone number is (215)597-7625.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

July 19, 2017

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



DENNIS P. WALSH
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

04-CA-202608

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date:**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658



July 19, 2017

Frank Bankard, Organizer
International Union of Operating Engineers, Local 542
1375 Virginia Drive
Suite 100
Fort Washington, PA 19034-3257

Re: Active Crane Rentals, Inc.
Case 04-CA-202608

Dear Mr. Bankard:

The charge that you filed in this case on July 17, 2017 has been docketed as case number 04-CA-202608. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JOANNE M. SACCHETTI whose telephone number is (215)597-9672. If this Board agent is not available, you may contact Supervisory Attorney PATRICIA A. GARBEN whose telephone number is (215)597-7625.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "Dennis P. Walsh". The signature is written in a cursive, flowing style.

DENNIS P. WALSH
Regional Director

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**FIRST AMENDED CHARGE AGAINST EMPLOYER**

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
04-CA-202608	10-05-17

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Active Crane Rentals, Inc. AASCO Equipment Raven Crane & Equipment Co., LLC.		b. Tel. No. (302)998-1000 (302)317-3122 (302)633-2488
		c. Cell No.
d. Address (street, city, state ZIP code) 103 Water St, Wilmington, DE 19804-2492 196 Quigley Blvd., New Castle, DE 19720 196 Quigley Blvd., New Castle, DE 19720	e. Employer Representative Steve Schmeusser, President (Active Crane) Steve Schmeusser, Owner (AASCO Equipment) Karen Schmeusser, Owner (Raven Crane)	f. Fax No. (302)999-8789 (302)317-3176 (302)633-2988
		g. e-Mail
		h. Dispute Location (City and State) Wilmington and New Castle, DE
i. Type of Establishment (factory, nursing home, hotel) Industrial Machinery and Equipment	j. Principal Product or Service Industrial Machinery and Equipment	k. Number of workers at dispute location Approx. 25

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months the above-named joint and/or single Employer(s) have failed to bargain collectively and in good faith with International Union of Operating Engineers, Local 542 by performing bargaining unit work under the double-breasted entities (AASCO Equipment and Raven Crane & Equipment Co., LLC) to avoid and circumvent the Collective Bargaining Agreement.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

International Union of Operating Engineers, Local 542

4a. Address (street and number, city, state, and ZIP code)
1375 Virginia Drive, Suite 100, Fort Washington, PA 19034-3257

4b. Tel. No.
(215)542-7500

4c. Cell No.
(267)784-7744

4d. Fax No.
(215)542-7557

4e. e-Mail
oe542@yahoo.com

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

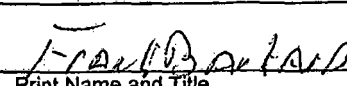
6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No.
(215)542-7500

Office, if any, Cell No.
(267)784-7744

By: 
(signature of representative or person making charge)


Print Name and Title

Fax No.
(215)542-7557

e-Mail
oe542@yahoo.com

Address: 1375 Virginia Drive, Suite 100, Fort Washington, PA 19034-3257

Date: 10-4-2017

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 4
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlr.gov
Telephone: (215)597-7601
Fax: (215)597-7658



Download
NLRB
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October 5, 2017

Steve Schmeusser
Active Crane Rentals, Inc.
103 Water St
Wilmington, DE 19804-2492

Steve Schmeusser, Owner
AASCO Equipment
196 Quigley Blvd
New Castle, DE 19720-4104

Karen Schmeusser, Owner
Raven Crane & Equipment Co., LLC
196 Quigley Blvd
New Castle, DE 19720-4104

Re: Active Crane Rentals, Inc.
AASCO Equipment
Raven Crane & Equipment Co., LLC
Case 04-CA-202608

Dear Mr. Schmeusser, Ms. Schmeusser:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Examiner JOANNE M. SACCHETTI whose telephone number is (215)597-9672. If the agent is not available, you may contact Supervisory Attorney PATRICIA A. GARBER whose telephone number is (215)597-7625.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter

Active Crane Rentals, Inc.
AASCO Equipment
Raven Crane & Equipment Co., LLC
Case 04-CA-202608

- 2 -

October 5, 2017

sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

A handwritten signature in black ink, reading "Dennis P. Walsh". The signature is fluid and cursive, with the first name "Dennis" and last name "Walsh" clearly legible.

DENNIS P. WALSH
Regional Director

Enclosure: Copy of first amended charge

cc: William W. Bowser, Esquire
Young, Conaway, Stargatt & Taylor, LLP
1000 N. King Street
Rodney Square
Wilmington, DE 19801

Barry M. Willoughby, Esquire
Young, Conaway, Stargatt & Taylor, LLP
1000 N. King Street
Rodney Square
Wilmington, DE 19801



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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Fax: (215)597-7658



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October 5, 2017

Frank Bankard, Organizer
International Union of Operating
Engineers, Local 542
1375 Virginia Drive
Suite 100
Fort Washington, PA 19034-3257

Re: Active Crane Rentals, Inc.
AASCO Equipment
Raven Crane & Equipment Co., LLC
Case 04-CA-202608

Dear Mr. Bankard:

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Examiner JOANNE M. SACCHETTI whose telephone number is (215)597-9672. If the agent is not available, you may contact Supervisory Attorney PATRICIA A. GARBER whose telephone number is (215)597-7625.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

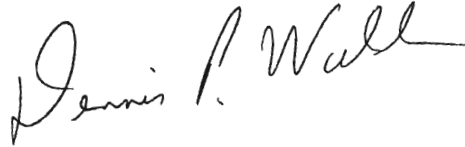
Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Active Crane Rentals, Inc.
AASCO Equipment
Raven Crane & Equipment Co., LLC
Case 04-CA-202608

- 2 -

October 5, 2017

Very truly yours,

A handwritten signature in black ink, reading "Dennis P. Walsh". The signature is written in a cursive style with a large, stylized "D" and a long horizontal flourish at the end.

DENNIS P. WALSH
Regional Director

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

International Union of Operating Engineers, Local 542,
AFL-CIO

and

Active Crane Rentals, Inc.

CASE 04-CA-202608

TO: (Check One Box Only)¹

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Active Crane Rentals, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)


NAME: William W. Bowser, Esq.

MAILING ADDRESS: Young Conaway Stargatt & Taylor, LLP, 1000 N. King Street, Wilmington, DE 19801

E-MAIL ADDRESS: wbowser@ycst.com

OFFICE TELEPHONE NUMBER: 302-571-6601

CELL PHONE NUMBER: 302-562-2288 FAX: 302-576-3282

SIGNATURE: 

DATE: August 15, 2017
(Please sign in ink)

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL COUNSEL OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

International Union of Operating Engineers, Local 542,
AFL-CIO

and

Active Crane Rentals, Inc.

CASE 04-CA-202608

TO: (Check One Box Only)¹

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Active Crane Rentals, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)


NAME: Barry M. Willoughby, Esq.

MAILING ADDRESS: Young Conaway Stargatt & Taylor, LLP, 1000 N. King Street, Wilmington, DE 19801

E-MAIL ADDRESS: bwilloughby@ycst.com

OFFICE TELEPHONE NUMBER: 302-571-6666

CELL PHONE NUMBER: 302-545-8573 FAX: 302-576-3345

SIGNATURE: 

DATE: August 15, 2017
(Please sign in ink)

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

International Union of Operating Engineers, Local 542,
ALF-CIO

and

Active Crane Rentals, Inc.
AASCO Equipment
Raven Crane & Equipment Co., LLC

CASE 04-CA-202608

TO: (Check One Box Only)¹

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Raven Crane & Equipment Co., LLC

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Barry M. Willoughby, Esq.

MAILING ADDRESS: Young Conaway Stargatt & Taylor, LLP, 1000 N. King Street, Wilm., DE 19801

E-MAIL ADDRESS: bwilloughby@ycst.com

OFFICE TELEPHONE NUMBER: 302-571-6666

CELL PHONE NUMBER: 302-545-8573 FAX: 302-576-3345

SIGNATURE: _____

DATE: October 10, 2017
(Please sign in ink)

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

International Union of Operating Engineers, Local 542,
ALF-CIO

and

Active Crane Rentals, Inc.
AASCO Equipment
Raven Crane & Equipment Co., LLC

CASE 04-CA-202608

TO: (Check One Box Only)¹

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Raven Crane & Equipment Co., LLC

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Barry M. Willoughby, Esq.

MAILING ADDRESS: Young Conaway Stargatt & Taylor, LLP, 1000 N. King Street, Wilm., DE 19801

E-MAIL ADDRESS: bwilloughby@ycst.com

OFFICE TELEPHONE NUMBER: 302-571-6666

CELL PHONE NUMBER: 302-545-8573 FAX: 302-576-3345

SIGNATURE: _____

DATE: October 10, 2017
(Please sign in ink)

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

INTERNATIONAL UNION OF)	
OPERATING ENGINEERS, LOCAL 542)	
)	
Charging Party,)	
)	
and)	Case No. 04-CA-202608
)	
ACTIVE CRANE RENTALS, INC.)	
)	
Respondent.)	

ACTIVE CRANE RENTAL, INC.'S RESPONSE TO THE UNFAIR LABOR PRACTICE CHARGE OF INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 542

Active Crane Rentals, Inc. ("Active Crane") responds to International Union of Operating Engineers, Local 542's (the "Union") Unfair Labor Practice Charge as follows:

1. The Union charges that, "on or about February 2017," Active Crane violated Sections 8(a)(1) and (5) of the National Labor Relations Act (the "NLRA" or Act") by "doing work under their Double-Breasted Companies Raven Crane and Aasco Equipment."
2. Section 8(a)(1), of course, prohibits an employer from interfering with, restraining, or coercing employees in the exercise of their Section 7 rights.
3. Section 8(a)(5) makes it unlawful for an employer to refuse to bargain with a Union that represents employees in a bargaining unit.
4. As set forth in the Affidavit of (b) (6), (b) (7)(C), attached hereto as Exhibit A, the charge is untimely. The incident that the Union alleges occurred "on or about February 2017," in fact occurred on December 8, 2016.
5. Under the Act, "no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge with the Board and the service of a copy thereof upon the person against whom such charge is made." 29 U.S.C. § 160(b).

6. Here, the incident on which the charge is based occurred on December 8, 2016. The charge was filed on July 17, 2017—7 months and 9 days later—and is therefore untimely.
7. Consequently, the ULP should be dismissed.
8. If the charge is not dismissed on the ground that it is untimely, Active Crane reserves the right to submit additional legal arguments. Active Crane specifically denies that it is a single employer with Raven.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Barry M. Willoughby

Barry M. Willoughby, Esq., (DE Bar No. 1016)
William W. Bowser, Esq., (DE Bar No. 2239)
Rodney Square
1000 North King Street
Wilmington, DE 19801-0391
Telephone: (302) 571-6666; (302) 571-6601
Email: bwilloughby@ycst.com; wbowser@ycst.com

Dated: September 15, 2017

Attorneys for Active Crane Rentals, Inc.

EXHIBIT A

NATIONAL LABOR RELATIONS BOARD

INTERNATIONAL UNION OF)
OPERATING ENGINEERS, LOCAL 542,)

Charging Party,)

and,)

ACTIVE CRANE RENTALS, INC.)

Respondent.)

Case No. 04-UC-202853

Case No. 04-CA-202608

INTERNATIONAL UNION OF)
OPERATING ENGINEERS, LOCAL 542,)

Charging Party,)

and,)

ACTIVE CRANE RENTALS, INC.,)

Respondent.)

AFFIDAVIT OF (b) (6), (b) (7)(C)

STATE OF DELAWARE)

SS.

COUNTY OF NEW CASTLE)

I, (b) (6), (b) (7)(C), being duly sworn according to law, do depose and say as follows:

1. I am the (b) (6), (b) (7)(C) of Active Crane Rentals, Inc. ("Active").
2. Active was founded (b) (6), (b) (7)(C) in 1968, and is now wholly owned by

(b) (6), (b) (7)(C).

3. I am informed that Active's crane operators became subject to a collective bargaining agreement with International Union of Operating Engineers, Local 542 (the "Union") in 1969 or '70.

4. As of the date of this Affidavit, Active employs (b) (6), (b) (7)(C) full-time crane operators. I am a member of the Union. All other crane operator positions are filled through the Union hiring hall.

5. In addition, Active employs (b) (6), (b) (7)(C) employees: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C).

6. (b) (6), (b) (7)(C) is a member of the Union, and occasionally operates one of Active's cranes. (b) (6), (b) (7)(C) receives the Union hourly rate and benefits for all work performed for Active.

7. Prior to receipt of the current Unit Clarification Petition and Unfair Labor Practice Charge, identified as Case Numbers 04-UC-202853 and 04-CA-202608, respectively, Active has not been the subject of any grievances by the Union. Despite its long-term knowledge of Raven Crane & Equipment Company, LLC ("Raven") and Aasco Equipment Corporation ("Aasco"), the Union had not previously contented that Active is a single employer with either Raven or Aasco.

8. Raven was founded in 2004. It is 80% owned by the Irrevocable Trust of (b) (6), (b) (7)(C), dated (b) (6), (b) (7)(C) 2012, and 20% by (b) (6), (b) (7)(C) individually.

9. Raven directly employs (b) (6), (b) (7)(C) full-time crane operators, none of whom are employed through the Union hiring hall.

10. Raven also employs (b) (6), (b) (7)(C) : (b) (6), (b) (7)(C) (b) (6), (b) (7)(C).

11. Employees employed in the position of crane operator by Active and Raven perform services only for the company that employs them. Active and Raven crane operators are not interchanged between the two companies.

12. I have reviewed the above-referenced Union Unfair Labor Practice Charge alleging that an incident occurred in February of 2017, in which a Raven crane performed services on a job that was contracted to Active. The incident the Union is referring to in the Charge occurred on December 8, 2016, not in February. The job in question was for Amtrak. The following paragraphs set forth what occurred.

13. Active was the successful bidder on a subcontract from a company called One Source Power, to set 30 poles for a system that helps to slow trains down so they do not derail. The first project under the contract was completed. When the second project was set to begin on December 8, 2016, the Active crane and crew that were to be assigned to the job were held over on another job.

14. In connection with the work on December 8, 2016, Amtrak had undertaken extensive safety preparations where the work was to be done. In addition, the federal Department of Homeland Security had been informed that the work would take place on that date, as required by its procedures. I understand that the Department of Homeland Security must be informed in advance of such work because trains are required to proceed at a much slower speed than usual when proceeding through the area where such work is done. The Department requires Amtrak to inform it in advance to avoid any concern that the trains' slower speeds are due to terrorist or other criminal activity. As a result, the work for Amtrak on December 8, 2016, could not be delayed.

15. Active therefore arranged to have a Raven crane perform the required services that day.

16. There was a charge from Raven to Active for the Amtrak work on that day. *See Exhibit A.*

17. The Raven crane and operator were on the job site from 7:00 a.m. until 3:00 p.m. I not sure who I spoke with, but after the incident, I received a call from a (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) complaining about the Raven crane being on the Amtrak job. I explained what happened. I heard nothing further about the issue until the above-referenced Charge was filed.

18. As noted above, the Union did not file a grievance claiming that one of its members had lost any wages. The Union has not contacted (b) (6), (b) (7)(C) to deal with emergency situations such as that which occurred at the Amtrak job. I am (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) an agreement between Active and the Union to resolve such issues.

19. Active and Raven bid all contract proposals independently, so they occasionally bid against each other. When they do, there is no collusion, and often the businesses are not aware that they are in competition on a bid.

20. Bidding is frequently solicited by a contractor contacting every crane company in the area. In such cases, Active and Raven are unaware that they have both been solicited.

21. The businesses operate from separate locations. Raven has offices at 196 Quigley Boulevardm, in New Castle, Delaware, while Active is located at 103 Water Street, in Newport, Delaware.

22. Both Active and Raven have long-standing relationships with customers that do not request proposals when there is crane work available. In such cases, the customers do not follow a competitive bidding process.

23. Aasco is a trucking and rigging business, owned entirely by (b) (6), (b) (7)(C) It was formed in 1996. Its office is located at 196 Quigley Boulevard, in New Castle, Delaware.

24. Aasco does not own or operate any cranes. It performs trucking and rigging work for Raven and Active, when necessary. Rigging work involves attaching cables to the object the crane is to lift. Such work is not within the work jurisdiction of the Union.

25. Aasco employs 8 to 10 individuals for trucking and rigging. It also employs (b) (6), (b) (7)(C) : (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) all perform services for Raven, as well.

26. Aasco also employs (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) for multiple business entities.

The costs for these services are charged to each business, at a rate commensurate with the amount of time dedicated to each entity.

27. In addition to division of these administrative services, Aasco, Raven, and Active maintain separate janitorial services, email extensions, and phone systems.

(b) (6), (b) (7)(C)

SWORN TO AND SUBSCRIBED before me, a Notary Public in and for the State and County aforesaid, on this ____ day of _____, 2017.

Notary Public (Seal)

My Commission Expires: _____

rigging work for Raven and Active, when necessary. Rigging work involves attaching cables to the object the crane is to lift. Such work is not within the work jurisdiction of the Union.

25. AASCO employs 8 to 10 individuals for trucking and rigging. It also employs (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) all perform services for Raven as well.

26. AASCO also employs (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

The costs for these services are charged to each business, at a rate commensurate with the amount of time dedicated to each entity.

27. In addition to division of these administrative services, AASCO, Raven, and Active maintain separate janitorial services, email extensions, and phone systems.

(b) (6), (b) (7)(C)

SWORN TO AND SUBSCRIBED before me, a Notary Public in and for the State and County aforesaid, on this 17 day of September, 2017.

Barry M. Willoughby

Notary Public (Seal)

BARRY M. WILLOUGHBY

Notary Public - State of Delaware

Notarial Officer Pursuant to

29 Del.C. § 4323(a)(3)

NATIONAL LABOR RELATIONS BOARD

INTERNATIONAL UNION OF)	
OPERATING ENGINEERS, LOCAL 542)	
)	
Charging Party,)	
)	
and)	
)	Case No. 04-CA-202608
ACTIVE CRANE RENTALS, INC.;)	
AASCO EQUIPMENT, and RAVEN)	
CRANE & EQUIPMENT CO., LLC,)	
)	
Respondents.)	
)	

RESPONSE TO THE NLRB'S REQUEST FOR PRODUCTION OF DOCUMENTS

1. Complete and return the attached Questionnaire on Commerce for AASCO Equipment;

RESPONSE: See Exhibit A.

2. Those showing ownership of Active Crane Rentals, Inc.; AASCO Equipment; and Raven Crane & Equipment Co., LLC, including articles of incorporation, bylaws, and/or partnership agreements along with any other documents showing individuals and other entities with an ownership interest in each Employer;

RESPONSE: See Exhibits B 1, 2, & 3.

3. A copy of the "AASCO/Raven/Blue Fin Organization Chart!" provided to employees sometime between January 1, 2016 to the present, along with a description of the first and last names of all individuals named in the chart and the Employers' positions as to the Section 2(11) status of each of the named individuals;

RESPONSE: See Exhibit C.

4. Copies of all titles and registration for all equipment and vehicles owned by Active Crane Rentals, Inc., AASCO Equipment, and Raven Crane & Equipment Co., LLC;

RESPONSE: See Exhibit D.

5. Copies of contracts and billing statements associated with all telephones, including mobile telephones, utilized by all managers, supervisors and employees of Active Crane Rentals, Inc.; AASCO Equipment; and Raven Crane & Equipment Co., LLC, in the course of business, including the two cell phones utilized by (b) (6), (b) (7)(C);

RESPONSE: See Exhibit E.

6. A list of all employees employed by Active Crane Rentals, Inc.; AASCO Equipment; and Raven Crane & Equipment Co., LLC, along with their job title, addresses and telephone number;

RESPONSE: See Exhibits F1, 2, & 3.

7. Copies of all Rental Agreements (aka Tickets) placed in any AASCO employee's mailbox or given to an AASCO employee between the period of January 1, 2017 to the present;

RESPONSE: This request is overbroad and unduly burdensome. Rental tickets placed in employee mail boxes set forth the employee's assignment.

8. Copies of all Active Rental Agreements (aka Tickets) placed in any Raven employee's mailbox between the period of January 1, 2017 to the present

RESPONSE: See response to Paragraph 7. In addition, there are no such documents other than in cases in which work is subcontracted to Raven due to the unavailability of cranes. This also occurs with other crane companies such as Thackray Crane Rental, Inc.

9. A list of all AASCO and/or Raven employees in which the Employer has paid for the employee's certification to operate a crane from the period of January 1, 2015 to the present;

RESPONSE: See Exhibit G.

10. Please provide any additional documentation you believe would be helpful to the investigation of these allegations.

RESPONSE: None at this time.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Barry M. Willoughby

Barry M. Willoughby, Esq., (DE Bar No. 1016)

William W. Bowser, Esq., (DE Bar No. 2239)

Rodney Square

1000 North King Street

Wilmington, DE 19801-0391

Telephone: (302) 571-6666; (302) 571-6601

Email: bwilloughby@ycst.com; wbowser@ycst.com

Attorneys for Active Crane Rentals, Inc.; AASCO


Equipment; and Raven Crane & Equipment Co., LLC

Dated: November 8, 2017

Exhibit A

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office.
If additional space is required, please add a page and identify item number.


CASE NAME Internatioanl Union of Operating Engineers, Local 542 v. AASCO Equipment, et al.		CASE NUMBER 04-CA-202608	
1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity) AASCO Equipment			
2. TYPE OF ENTITY <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> LLC <input type="checkbox"/> LLP <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> SOLE PROPRIETORSHIP <input type="checkbox"/> OTHER (Specify)			
3. IF A CORPORATION OR LLC A. STATE OF INCORPORATION OR FORMATION B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES Delaware None			
4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS			
5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR			
6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATRIONS (Products handled or manufactured, or nature of services performed) Crane rental services			
7A. PRINCIPAL LOCATION 196QuigleyBlvd.NewCastleDE19720		7B. BRANCH LOCATIONS None	
8. NUMBER OF PEOPLE PRESENTLY EMPLOYED A. TOTAL B. AT THE ADDRESS INVOLVED IN THIS MATTER 16 16			
9. DURING THE MOST RECENT (Check the appropriate box): <input type="checkbox"/> CALENDAR <input checked="" type="checkbox"/> 12 MONTHS or <input type="checkbox"/> FISCAL YEAR FY DATES			
		YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.		X	
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.			
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount.			
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount.		X	
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.			
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.		X	
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount.		X	
H. Gross Revenues from all sales or performance of services (Check the largest amount): <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.			
I. Did you begin operations within the last 12 months? If yes, specify date:			X
10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYEE GROUP THAT ENGAGES IN COLLECTIVE BARGAINING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If yes, name and address of association or group)			
11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS			
NAME Barry M. Willoughby, Esq.	TITLE Partner	E-MAIL ADDRESS bwilloughby@ycst.com	TEL. NUMBER 302-571-6601
12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE			
NAME AND TITLE Barry M. Willoughby, Esq.	SIGNATURE 	E-MAIL ADDRESS bwilloughby@ycst.com	DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

QUESTIONNAIRE ON COMMERCE INFORMATION

*Please read carefully, answer all applicable items, and return to the NLRB Office.
If additional space is required, please add a page and identify item number.*

CASE NAME International Union of Operating Engineers, Local 542 v. Active Crane Rentals, Inc.		CASE NUMBER 04-CA-202608
1. EXACT LEGAL TITLE OF ENTITY (<i>As filed with State and/or stated in legal documents forming entity</i>) Active Crane Rentals, Inc.		
2. TYPE OF ENTITY <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> LLC <input type="checkbox"/> LLP <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> SOLE PROPRIETORSHIP <input type="checkbox"/> OTHER (<i>Specify</i>)		
3. IF A CORPORATION OR LLC A. STATE OF INCORPORATION OR FORMATION B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES Delaware None		
4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS		
5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR		
6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (<i>Products handled or manufactured, or nature of services performed</i>) Crane operation services to commercial and industrial customers		
7A. PRINCIPAL LOCATION 103 E. Water St., Newport, DE 19804	7B. BRANCH LOCATIONS None	
8. NUMBER OF PEOPLE PRESENTLY EMPLOYED A. TOTAL B. AT THE ADDRESS INVOLVED IN THIS MATTER 7 103 E. Water St., Newport, DE 19804		
9. DURING THE MOST RECENT (<i>Check the appropriate box</i>): <input type="checkbox"/> CALENDAR <input checked="" type="checkbox"/> 12 MONTHS or <input type="checkbox"/> FISCAL YEAR FY DATES		
	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.	X	
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount.		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount.		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.	X	
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount.	X	
H. Gross Revenues from all sales or performance of services (<i>Check the largest amount</i>): <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input checked="" type="checkbox"/> \$1,000,000 or more <i>If less than \$100,000, indicate amount.</i>		
I. Did you begin operations within the last 12 months? If yes, specify date:		X
10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYEE GROUP THAT ENGAGES IN COLLECTIVE BARGAINING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (<i>If yes, name and address of association or group</i>)		
11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS		
NAME Barry M. Willoughby, Esq.	TITLE Partner	E-MAIL ADDRESS bwilloughby@ycst.com
		TEL. NUMBER (302) 571-6601
12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE		
NAME AND TITLE Barry M. Willoughby, Esq.	SIGNATURE 	E-MAIL ADDRESS bwilloughby@ycst.com
		DATE 11/08/2017

PRIVACY ACT STATEMENT

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PRIVACY ACT STATEMENT

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Exhibit C

Revised 11/22/16

AASCO/RAVEN/BLUE FIN ORGANIZATION CHART

PRESIDENT

ACCOUNTING DEPARTMENT

(b) (6), (b) (7)(C)

HUMAN RESOURCES

(b) (6), (b) (7)(C)

MANAGER

(b) (6), (b) (7)(C)

AASCO-OPERATIONS
MANAGER

(b) (6), (b) (7)(C)

RAVEN-OPERATIONS MANAGER

(b) (6), (b) (7)(C)

BLUEFIN-OPERATIONS
MANAGER

(b) (6), (b) (7)(C)

ADMINISTRATIVE SUPPORT

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

SALES/MARKETING

WAREHOUSE/SHOP

(b) (6), (b) (7)(C)

SUPERVISOR

(b) (6), (b) (7)(C)

SUPERVISOR

(b) (6), (b) (7)(C)

SUPERVISOR

(b) (6), (b) (7)(C) Mechanic

TRUCKING

(b) (6), (b) (7)(C)

CRANE

(b) (6), (b) (7)(C)

MECHANICS

(b) (6), (b) (7)(C)

LABORER

(Mechanic/Laborer)

(Laborer)

Exhibit F1

AASCO Employee List

<u>Employee Names</u>	<u>Employee Phone Numbers</u>	<u>Employee Address</u>	<u>Employee Title</u>
(b) (6), (b) (7)(C)			

Exhibit F2

Active Employee List

<u>Employee Names</u>	<u>Employee Phone Numbers</u>	<u>Employee Address</u>	<u>Employee Title</u>
(b) (6), (b) (7)(C)			

Exhibit F3

Raven Employee List

<u>Employee Names</u>	<u>Employee Phone Numbers</u>	<u>Employee Address</u>	<u>Employee Title</u>
-----------------------	-------------------------------	-------------------------	-----------------------

(b) (6), (b) (7)(C)

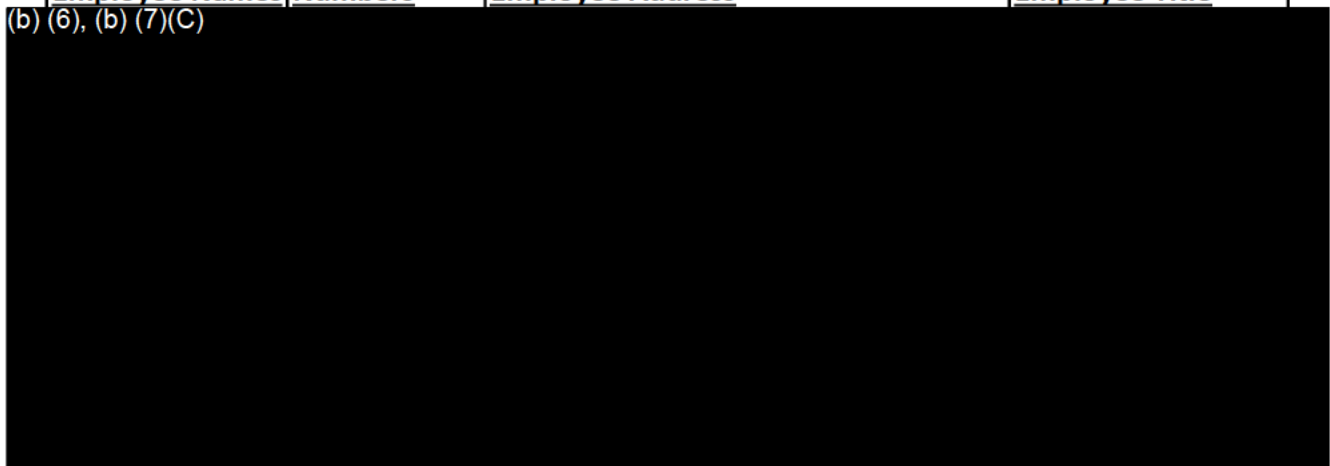


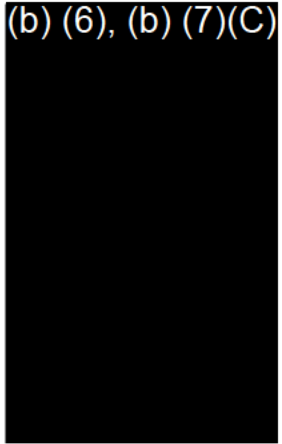
Exhibit G

National Labor Board

Response to Request #9

The list below includes employees who the employer paid for employee's certification to operate a crane from the period of January 1, 2015 to present:

(b) (6), (b) (7)(C)



Settlement Agreement

Active Crane Rentals, Inc. ("Active"), Raven Crane & Equipment Company, LLC ("Raven"), Aasco Equipment Corporation ("Aasco") & International Union of Operating Engineers Local 542 ("the Union")

1. Raven will be dissolved.
2. Aasco will be dissolved.
3. The Union will provide three (3) Raven crane operators with Operating Engineers 542 parent body books. They will be hired by Active and subject to the collective bargaining agreement now in effect between Active and the Union. They shall remain employed with Active so long as their performance is satisfactory until they obtain 1000 hours of service. After the three (3) former Raven crane operators work 1000 hours for Active, they shall become Group 1 Union employees and subject to the Union's hiring hall procedures.
4. Active will designate one or two Aasco drivers who will become Active employees pursuant to a Union C Contract to be signed by Active and the Union.
5. A settlement fund (the "Fund") of \$150,000 will be created. Active will deposit that sum in a bank account separate from its other bank accounts to be used to pin point Active projects on the following basis. Active will receive from the Fund \$7.50 for each hour of work by each operating engineer employed.
6. The Union will provide Active with additional pin point funds of \$5.00 for each hour work, for up to two years, of work by each operating engineer

working on all projects as long as the majority of the Raven acquired employees remain with Active.

7. Active will pay the total sum of \$15,000 in back pay to the alleged discriminates and will receive an NLRB compliant release from each person who receives a payment. The NLRB will determine the individual amounts from the total payment of \$15,000 to be paid to each alleged discriminate.

8. NLRB ULP charge (Case No. 04-CA-202608) and NLRB UC charge (Case No. 04-UC-202853) against Active, Raven, and Aasco will be withdrawn, with prejudice, and all claims or liabilities against Active, Raven, or Aasco (and their officers, directors, shareholders, members, or employees) shall be discharged, subject to Active's compliance with this Agreement.

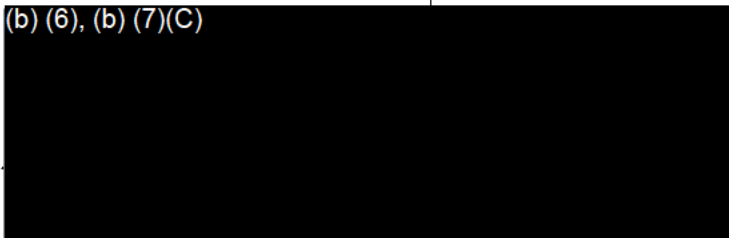
9. Active and the Union will agree to a compliance procedure to insure that the settlement funds are used in accordance with this Agreement. If Active ceases operations before the settlement fund is exhausted, the unused balance of the Fund will be distributed to Active's employees who are members of the Union (including the C Branch employees).

10. Active, Raven, and Aasco do not admit that the above referenced charges have merit.

11. (b) (6), (b) (7)(C) will be eligible to participate in the (b) (6), (b) (7)(C) which (b) (6), (b) (7)(C) will be required to pay 120 hr. per month into this program.


12. If this Agreement is approved by the National Labor Relations Board, the parties will meet and confer for the purpose of expeditiously implementing this Agreement. This Agreement shall be the entire agreement between the parties on the subject matter hereof and shall be modified only by a written agreement signed by Parties.

(b) (6), (b) (7)(C)



International Union of Operating Engineers Local 542

(b) (6), (b) (7)(C)



3-28-2018

Dated: March 23, 2018



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 04
615 Chestnut St Ste 710
Philadelphia, PA 19106-4413

Agency Website: www.nlrb.gov
Telephone: (215)597-7601
Fax: (215)597-7658

March 29, 2018

Barry M. Willoughby, Esquire
William W. Bowser, Esquire
Young, Conaway, Stargatt & Taylor, LLP
1000 North King Street
Rodney Square
Wilmington, DE 19801

Re: Active Crane Rentals, Inc., Aasco Equipment,
and Raven Crane & Equipment Co., LLC, a
Single Employer
Cases 04-CA-202608 and 04-UC-202853

Dear Mr. Willoughby and Mr. Bowser:

The Charging Party has asked to withdraw the above charge and petition based upon a private agreement between the parties. I have approved this request, conditioned on the performance of the undertakings in that private agreement.

The charge and petition are subject to reinstatement for further processing if the Charging Party requests reinstatement and supports its request with evidence of non-compliance with the undertakings in the private agreement.

Very truly yours,

/s/ Dennis P. Walsh

DENNIS P. WALSH
Regional Director

cc: Frank Bankard, Organizer
Louis Agre, Esquire
International Union of Operating Engineers
Local 542
1375 Virginia Drive, Suite 100
Fort Washington, PA 19034-3257

(b) (6), (b) (7)(C)

Active Crane Rentals, Inc.
103 Water Street
Wilmington, DE 19804-2492

(b) (6), (b) (7)(C)

Raven Crane & Equipment Co., LLC
Aasco Equipment
196 Quigley Boulevard
New Castle, DE 19720-4104